

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Criminal No.
09-10260-JLT

UNITED STATES OF AMERICA

v.

JOSE LUIS GARCIA

MEMORANDUM AND ORDER OF DETENTION

October 2, 2009

DEIN, M.J.

The defendant is charged in an indictment with unlawful re-entry of a deported alien, in violation of 8 U.S.C. § 1326. Following his return from Puerto Rico where he was arrested, the defendant appeared before this court today for an arraignment. The government renewed its motion for detention under 18 U.S.C. § 3142(f)(2)(A) on the grounds that the detention poses a serious risk of flight. The defendant was represented by counsel. The defendant, through counsel, consented to the entry of an order of detention, without prejudice to his right to reopen the matter at a later date.

Accordingly, it is ORDERED that the defendant be DETAINED pending trial, and it is further ORDERED --

(1) That the defendant be committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) That the defendant be afforded a reasonable opportunity for private consultation with counsel; and

(3) On order of a court of the United States or on request by an attorney for the government, the person in charge of the corrections facility in which the defendant is detained and confined deliver the defendant to an authorized Deputy United States Marshal for the purpose of any appearance in connection with a court proceeding.

This order is without prejudice to the defendant filing a motion at any time seeking a hearing to address the issue of detention, regardless whether there have been changed circumstances.

 / s / Judith Gail Dein
Judith Gail Dein
United States Magistrate Judge